

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BANK OF AMERICA, N.A.)	
)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:09 CV 000391-GBL-TCB
)	
AC TECHNOLOGY, INC., et al.,)	
)	
Defendants.)	
)	

**DEFENDANTS' MOTION TO DISMISS, OR IN THE ALTERNATIVE,
TO STAY PROCEEDINGS PENDING ARBITRATION**

Pursuant to the Federal Arbitration Act, U.S.C., Title 9, Defendants AC Technology, Inc. ("AC Tech"), Earle D. Munns, Jr., ("Munns"), and Michael Andrew Byrd ("Byrd") file this Motion to dismiss without prejudice all of Plaintiff's claims or, in the alternative, to stay proceedings in this case pending arbitration. The justification for this Motion is set forth in the accompanying Memorandum in Support.

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2009, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following counsel of record:

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